

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert M. Levin
Serial No.: 10/787,486
Filed: February 24, 2004
For: SesquipTM

July 19, 2007
Group Art Unit 3711
Examiner: Dolores R. Collins

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. 1.191)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board from an action by the Primary Examiner, mailed July 16, 2007, rejecting claims 1 and 3. The claims having been twice rejected, an appeal is proper.

In the subject action the examiner corrected the procedural error made in the previous action which was noted by applicant on page 21 of the Appeal Brief. Applicant's arguments previously presented in response to the examiner's objection to the claims under Section 132 address the written description requirement of Section 112, first paragraph.

1. STATUS OF APPLICANT. This application is on behalf of a small entity. Applicant previously claimed small entity status and such status is still proper and desired.

2. FEE FOR FILING NOTICE OF APPEAL. Pursuant to 37 C.F.R. 41.20(b)(1), the fee for filing the Notice of Appeal by a small entity has been previously paid.

3. EXTENSION OF TERM. Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and for extension of time.

4. TOTAL FEE DUE. No additional fee is due.

Respectfully submitted,

/Grace J. Fishel/

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office by EFS-Web on July 19, 2007.

/Grace J. Fishel/
Grace J. Fishel